



Order Filed on March 23, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FRANCIS P. CULLARI, ESQ.
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Attorney for Debtor

In Re:
Justin W. Derry


Case No.: 19-25038
Hearing Date: 3/23/2021
Chapter: 13
Judge: ABA

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) and three (3) is
ORDERED.

DATED: March 23, 2021



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

After review of the Debtor's motion for authorization to sell the real property commonly known as 4 Berwick Lane, Sicklerville, New Jersey, 08081, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Gerard McManus of Keller Williams - Washington Twp.

Amount to be paid: \$ 19,110.00 split between both agents and both co operating brokers

Services rendered: Representation of the Debtor to complete all terms of the contract.

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 25,150.00 claimed as exempt may be paid to the Debtor.
6. The ☒ *balance of proceeds* or the ☐ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.
7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.
8. ☒ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.
9. Other provisions:
 1. Debtor shall file an Amended Schedule J within 21 days of the Date of This Order;
 2. The Non-filing co-owner of the property may receive 50% of the sale proceeds at Closing;
 3. The sale proceeds in the amount of \$25,150.00 referenced in paragraph # 5 of this order shall be paid to the Debtor at closing. Debtor's remaining portion of sale proceeds are non-exempt and shall be disbursed to the Chapter 13 Trustee as an additional base to unsecured creditors who filed timely claims.

rev.8/1/15

In re:
Justin W. Derry
Debtor

Case No. 19-25038-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Mar 23, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 25, 2021:

Recip ID	Recipient Name and Address
db	+ Justin W. Derry, 4 Berwick Lane, Sicklerville, NJ 08081-3026

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 25, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 23, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Francis P. Cullari	on behalf of Debtor Justin W. Derry cullari@comcast.net
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Jane L. McDonald	on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Kevin Gordon McDonald	on behalf of Creditor MidFirst Bank kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com

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Date Rcvd: Mar 23, 2021

Form ID: pdf903

Total Noticed: 1

Regina Cohen

on behalf of Creditor Ally Bank Lease Trust rcohen@lavin-law.com ksweeney@lavin-law.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8